

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHWESTERN DIVISION**

Bechtold Paving, Inc.,)	
)	ORDER ENTERING DEFAULT AND
Plaintiff,)	GRANTING PLAINTIFF'S MOTION FOR
)	DEFAULT JUDGMENT
vs.)	
)	Case No. 4:05-cv-117
Robert M. Smith,)	
)	
Defendant.)	

Before the Court is the plaintiff, Bechtold Paving, Inc.'s Motion for Default Judgment filed on January 13, 2006. It has been shown that the defendant, Robert M. Smith, was personally served with a copy of the summons and complaint on November 23, 2005. Such service appears to be in compliance with Rule 4(f) of the Federal Rules of Civil Procedure. See Affidavit of Default, ¶ 3. The defendant had twenty days from the date of service to file an answer. See Fed. R. Civ. P. 12(a)(1)(A). By the Court's calculation, an answer was to be filed on or before December 13, 2006. To date, no answer has been filed nor any appearance made on behalf of the defendant. Having failed to defend or otherwise appear, default shall be entered against defendant Robert M. Smith. See Fed. R. Civ. P. 55(a). The Plaintiff's Motion for Default Judgment is **GRANTED**. (Docket No. 4). The Clerk of Court is directed to enter default judgment in the amount of \$202,776.84. See Fed. R. Civ. P. 55(b); Affidavit of Larrel Berg, ¶ 17.

IT IS SO ORDERED.

Dated this 18th day of January, 2006.



Daniel L. Hovland, Chief Judge
United States District Court